

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-CR-00010-RJC-DSC

USA

v.

LANCE RICHARDSON PAGAN

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ORDER

THIS MATTER is before the Court upon the defendant's pro se Motion of Complaint Inadequate Medical Care,¹ (Doc. No. 144).

The defendant was found guilty of drug trafficking and firearms charges and was recently sentenced. (Doc. No. 140: Judgment). He has been detained since his arrest on January 12, 2022. The defendant states that three county jails have provided inadequate medical care for headaches. (Doc. No. 144: Motion at 1). He was taken from the current facility for an MRI, but he has refused prescribed medicine to prompt disclosure of the test results. (Id. at 1-2).

Title 18, United States Code, Section 3142(i) allows a court to direct a defendant into the custody of the Attorney General for confinement in a corrections facility, and to direct that the person be afforded reasonable opportunity to consult with counsel. The statute does not provide the Court authority in a criminal case to direct the corrections facility in its medical care for a pretrial detainee.²

¹ The defendant waived his right to counsel on September 13, 2022.

² The Fourth Circuit has recognized a federal pretrial detainee's right of action under 42 U.S.C. § 1983 to seek redress for deliberate indifference to his medical needs. Loe v. Armistead, 582 F.2d 1291, 1293-94 (4th Cir. 1978).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DISMISSED**. However, the Court **REQUESTS** that United States Marshals Service inquire with the jail regarding the defendant's test results and medical needs.

The Clerk is directed to certify copies of this order to the defendant, to the United States Attorney, and the United States Marshals Service.

Signed: March 28, 2023

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

